

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**VISTA PEAK VENTURES, LLC,**

**Plaintiff,**

**V.**

**HKC CORPORATION LIMITED, HKC  
OVERSEAS LIMITED, and  
CHONGQING HKC  
OPTOELECTRONICS  
TECHNOLOGY CO., LTD.,**

## Defendants.

## JURY TRIAL DEMANDED

**CIVIL ACTION NO. 2:20-CV-00352-JRG**  
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## **PLAINTIFF'S MOTION FOR SERVICE OF PROCESS**

Plaintiff Vista Peak Ventures, LLC (“Plaintiff” or “VPV”) requests by this motion assistance from the clerk of this court in serving the foreign defendant, HKC Overseas Limited, in each of the above-captioned cases. HKC Overseas Limited is an entity organized under the laws of Hong Kong, China. Plaintiff asks the court to require the clerk to send process documents using a form of mail that requires a signed receipt, under Federal Rules of Civil Procedure (“FRCP”) 4(f)(1) and, more specifically, FRCP 4(f)(2)(C)(ii). A copy of the transmittal letter to the clerk is attached as Exhibit 1, with the enclosure of the Affidavit from Marcus Benavides attached as Exhibit A.

Under FRCP 4(f)(2)(C)(ii), 4(f)(3), and 4(h)(2), a foreign corporation, such as HKC Overseas Limited, may be served “using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt,” as a method reasonably calculated to give notice. *See, e.g., TracFone Wireless, Inc. v. Sunstrike Intern., Ltd.*, 273 F.R.D. 697, 699 (S.D.Fla. 2011)

(finding that Hong Kong defendants may be served with process documents sent by the clerk of the court to the defendants via international express mail or via FedEx pursuant to Rule 4(f)(2)(C)(ii)). In this case, Plaintiff VPV requests that the clerk send a copy of the enclosed Complaints and Summons to HKC Overseas Limited, at their principal office in Hong Kong. The mailing should be addressed as follows:

HKC Overseas Limited  
Flat/Rm 1003 North Point Asia-Pac Centre 10 North Point Rd North Point, Hong Kong, PRC

Plaintiff includes a pre-addressed label for transmission of service of process by Federal Express, with signed receipt requested, which it has been recognized by this court is a valid form of mail. *See, e.g., IntelliGender, LLC v. Soriano*, 2012 WL 215066, at \*3 (E.D.Tex. 2012) (finding mailing process via Federal Express a proper form of service under FRCP 4(f)(2)(C)(ii)).

Accordingly, service via mail to defendant HKC Overseas Limited is proper and reasonably calculated to give defendant notice of the suit. Plaintiff asks that the Court grant its request set out in the Proposed Order filed with this motion.

Dated: November 23, 2020

Respectfully submitted,

/s/Patrick J. Conroy

Patrick J. Conroy  
Texas Bar No. 24012448  
T. William Kennedy Jr.  
Texas Bar No. 24055771  
Terry A. Saad  
Texas Bar No. 24066015  
Marcus Benavides  
Texas Bar No. 24035574

**Bragalone Conroy PC**  
2200 Ross Avenue  
Suite 4500W  
Dallas, TX 75201  
Tel: (214) 785-6670  
Fax: (214) 785-6680  
pconroy@bcpc-law.com  
bkennedy@bcpc-law.com  
tsaad@bcpc-law.com  
mbenavides@bcpc-law.com

**ATTORNEYS FOR PLAINTIFF VISTA  
PEAK VENTURES, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on November 23, 2020.

/s Patrick Conroy  
Patrick Conroy